

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA *ex rel.*)
ROBERT A. FRY,)
)
Plaintiffs,)

v.)

**Civil Action No. 3:03-0842
JUDGE TRAUGER**

GUIDANT CORPORATION,)
its predecessor Cardiac Pacemakers, Inc.,)
a division of Eli Lilly and Company,)
MEDTRONIC, INC., and unknown)
entities and individuals,)
)
Defendants.)

AND)

STATE OF TENNESSEE, CALIFORNIA)
And FLORIDA *ex rel.* ROBERT A. FRY,)
)
Plaintiffs,)

v.)

GUIDANT CORPORATION,)
its predecessor Cardiac Pacemakers, Inc.,)
a division of Eli Lilly and Company, and)
unknown entities and individuals,)
)
Defendants.)

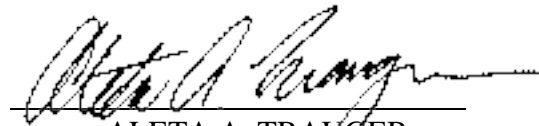
ORDER

For the reasons expressed in the accompanying Memorandum, it is hereby **ORDERED** that the Motion to Dismiss filed by defendant Medtronic, Inc. (Docket No. 73) is **GRANTED**, and all

claims against Medtronic are **DISMISSED**. The Motion to Dismiss filed by defendant Guidant Corporation (Docket No. 40) is **DENIED**. The plaintiffs' Motion for Leave to File a Second Amended Complaint (Docket No. 78) is **GRANTED IN PART** and **DENIED IN PART**. It is hereby **ORDERED** that the Second Amended Complaint, as allowed, shall be filed within ten (10) days of the entry of this Order.

It is so **ORDERED**.

Enter this 25th day of April 2006.



ALETA A. TRAUGER
U.S. District Judge